

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

James Burns,

Civil No. 07-1708 (PAM/JSM)

Plaintiff,

v.

ORDER

Life Insurance Company
of North America,

Defendant.

This matter is before the Court on Plaintiff's Motion for Default Judgment. Plaintiff avers that Defendant was served with a copy of the Complaint on April 3, 2007. Defendant has failed to respond or otherwise plead to this Complaint.

Rule 55 provides for the entry of default judgment when "a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend" Fed. R. Civ. P. 55(a). Plaintiff has established that he is entitled to a default judgment in this matter.

The amount to which Plaintiff is entitled depends on the policy limits of the insurance policy at issue. Defendant has not provided Plaintiff with a copy of the policy and thus Plaintiff does not know the policy limits. Therefore, the Court will enter judgment in the amount of the policy, plus costs, and order Defendant to produce to Plaintiff a copy of the pertinent policy. See Fed. R. Civ. P. 55(b)(2) (when default is not for "sum certain," court may "order such references as it deems necessary and proper").

Accordingly, **IT IS HEREBY ORDERED** that

1. Plaintiff's Motion for Default Judgment (Docket No. 6) is **GRANTED**; and
2. Within 30 days of the date of this Order, Defendant shall provide Plaintiff with a copy of the insurance policy at issue, so that the Court may enter judgment for a sum certain.

Dated: November 9, 2007

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge